



SPECIAL  
COLLECTIONS



DOUGLAS  
LIBRARY

QUEEN'S UNIVERSITY  
AT KINGSTON

KINGSTON ONTARIO CANADA





A N  
E S S A Y  
O N  
L I B E R T Y.

---

..... know .....  
..... true Liberty  
..... always with right Reason dwells.

MILTON.

1774?



---

ON  
LIBERTY.

---

IN directing our attention to the characteristicks of the present age, there is no one perhaps with which we are so forcibly struck as that general custom, which every party has adopted, of choosing for itself a speculative system of principles upon every subject, which by curiosity or interest they have been incited to explore. Hence whether their minds are engaged in the deep researches of philosophical, or in unfolding the intricacies of political science, they raise up a superstructure of opinion, to which they resort for the protection and justification of that scheme, which in their conduct they respectively pursue. In the prevalence, however, of this habit, which, from the different modes of thinking it has introduced, has sometimes given birth to the anger of disputation, and sometimes brought to the severest test the acuteness of human sagacity and the brilliancy of human wit, there can be little injury to apprehend, when it is restricted by that moderation which the sacred obligations of morality and the dearest rights of society will obtain from all, upon whom the sense of their own dignity, and a regard for the public peace, have not lost their efficacy and importance.

The custom to which I have here alluded has upon no occasion been exercised with greater alacrity, or pushed to a greater extent, than upon the momentous subject of Liberty. To the comprehensiveness and magnitude of this principle, in which the duties and happiness of all beings are primarily concerned, we are to attribute the earnestness of discussion, and the variety of sentiment, which have been employed in explanations of it's nature and it's end. Hence we may account too for that active spirit of penetration, which has carried it's inquiries into the first foundations of Government, and for that latitude of privilege, which every one asserts, to examine without constraint every system, upon which the moral and political welfare of mankind may depend. The immediate and important influence, therefore, which the direction of this habit has upon the best interests of Liberty, will be evident to all, who reflect that upon this subject almost every man establishes the right of private judgment for himself; that every feeling of his vanity, and every effort of his sagacity, is eagerly busied in drawing the most favourable conclusions for unlimited freedom; and that from such conclusions have resulted the most dreadful outrages that have deformed the moral and political order of the world. The attempt, then, to describe in it's true colours, and to fix within it's true limits, that to which the blindness of error and the turbulence of passion have given a shape so distorted, and a power so uncontroled, must appear of the weightiest moment in the opinion of those, to whom the real Liberties of mankind are valuable, in proportion as they are accurately understood, and temperately enjoyed.

In the progress of our enquiry, it would be at once tedious and useless to define or treat the various kinds of Liberty, according to the

the manner in which they have been represented to us, when multiplied by the labours of metaphysical abstraction, or exaggerated by the zeal of enthusiastic declamation. By denoting only the more prominent features of civil and political freedom, the grandeur and majesty of the subject will strike us with greater force, and the objects to which it points will exhibit their fullest measure of excellence and utility.

Various have been the significations, and perplexing the uncertainties, to which the term of Liberty has given rise in the minds of different writers, and in the feelings of different men. In governments, or, as we may more properly speak, in societies, which are regulated by general rules, civil Liberty may be said to consist “ in “ the not being restrained by any law but what promotes in a “ greater degree the public welfare.” To possess the power of doing what we ought to will, and to be exempt from any obligation to do what we ought not to will, is all that the most ardent love of freedom can exact, and all that the correctest views of virtue can require. Man, we are ready to allow, was first created free and independent. But, from his sagacity and experience, he was convinced that the blessings of peace and security could never be obtained, where the wildness of caprice and the fury of passion could wanton without distinction, and triumph without controul. From the keen perception of his own interests, and for the means of his own preservation, he resigned the unlimited exercise of his will; he sought the enlargement of his liberty in the very laws which restrained it; and his reason taught him to discover, that his happiness would be more effectually promoted by the limitation of freedom in others, than it could be impaired by the partial diminution of it in himself.

Hence

Hence did he discover the necessity of subjection to civil government, and for that fair gradation of ranks and orders, by which one part of the community exerts it's salutary controul over another, and by which mutual assistance and intercourse establish the personal security of individuals, and fix the rights of property to those, whose joint efforts of industry and knowledge have amassed it. It was this principle which incited families, when they voluntarily formed themselves into states, to submit to real inequality under conditions, which restrained it's excess. It was this principle, which, armed by general consent, and pointed to general utility, stripped superior courage of all power to oppress, and invested it with empire for the purposes of universal protection ; which took from superior wisdom all opportunities of tyrannizing by cunning, and decorated it with that mild authority, where it could display it's penetration and benevolence by administering to the good of others. In this expedient we are struck with the brightest representation of reciprocal benefit, between those whose talents befit them for command, and those whose duty teaches them to obey ; where the exalted state of the one does not imply the oppression and debasement of the other, and where the scheme is poised by that nice exactness, which shall include the freedom and interests of both.

For this advantage we are indebted to the art of civil government, whose theoretical elements are perhaps too complex to be comprehended by ordinary ability, but whose exertions are not on that account less worthy of our attention and admiration. The foregoing statement will suggest to our minds some serious reflections on the general laws of authority and submission, of which, as they are attached by the closest connection to the present topic, it may be right to explore the origin and design.

In

In surveying the moral condition of mankind, we are immediately convinced that, among beings of the same nature, there are not the same propensities to integrity, or the same taste for virtue. The impulse of provocation, whether from real or seeming opposition, and the enticements of gain, will operate against the plainest dictates of reason, and the most solemn injunctions of religion. But the intention of political institutions is to secure the tranquillity and prosperity of it's members; and experience has discovered that their support must depend in the greatest degree on the coercive power, which balances the allurements of pleasure, and bridles the fierceness of passion, by the intimidating punishments which it prepares for their excess. In this view, therefore, of the question, the arguments which press the restrictive operations of a Government are advanced with a peculiar energy of truth, and bear the speediest conviction to every enlightened mind. They are justified by the very constitution of our nature, and proved by the occurrences of every day: They lead to the blessings of freedom, rather than to the scourge of tyranny. They are the offspring rather of a tender sensibility for our virtue and happiness, than of an unrelenting persecution against our errors and vices; and the ultimate consequences to which they point involve equally the protection of innocence and integrity, and the repression of audacity and crime.

As such are the firm grounds upon which the principle of coercion rests, and as such are the objects to which it is directed, obedience becomes the indispensable duty of all, and the validity of the arguments must be admitted for both parts of a case, where the reciprocity is so striking, that the one cannot be carried into effect without the other. Vain and delusive, therefore, must be the theories of those

those writers, who could ever suppose the existence of what they call a state of nature, in which the fury of the vices raged without measure and without remorse; in which the greater vigour of limbs, or greater firmness of courage, bore away the prize of beauty, and destroyed, or exclusively engrossed the works of art, and exercised uncontrouled dominion over the rights, the acquisitions, the sentiments, and the feelings of others. Some difficulties and imperfections, indeed, must always accompany the science of Government; and where the complexity of the human character is so extraordinary, no depth of penetration, and no extended sphere of practice, can ever supply remedies for the innumerable cases, which a variety of concerns, and a diversity of passions, must be perpetually creating. But this argument, though it should repress the arrogance which would expect absolute perfection, will by no means induce us to acquiesce in the theories of those, who would plead the rights of our nature, to make us blind to her dictates, and rebellious against her commands, and who would place before us the plausibility of uncontrouled liberty, that they may the more readily deliver us up as the victims to slavery and misfortune. To speak with more accuracy and spirit, we may assert, that man is then only in the true state of nature and liberty, when he lives in a manner consonant to their real laws; that by Government he does not forfeit, but preserve them both in greater purity and force; and that, without this assistance, they could neither exist, nor be enjoyed with that moderation, which excludes with equal firmness despotism and licentiousness. The constituent parts of Government itself, when properly understood, will be found to derive their origin and structure from the principles of human nature, which it is instituted to regulate and improve, and which can only display their benefit and dignity, by such association and protection.

Should

To those, who are flattered by the imagination of romantic scenes, which never came under the evidence of our senses by their existence, or deserved our approbation by their superior advantages, should we even grant that Liberty is most perfect in the condition of savage life, they must at least acknowledge, that it is insecure; and this overthrows the idea of that Freedom, which consists in the permanent enjoyment of our property and rights. " Security is, " indeed, the very essence of freedom; and if this is gained by political establishment, there also is freedom to be found;" and in resorting to it as a shelter from insult and from wrong, we surrender nothing, or rather in gaining security we acquire every thing, which, as beings of imperfect capacities, and innumerable frailties, we can reasonably expect. In this light will the statement of this topic, by which are suspended conclusions of such mighty import to the welfare of society, and the main outlines which have been drawn of Liberty, be found conformable to the principles of " **RIGHT REASON**," upon whose suffrage, indeed, every sentiment must depend for it's excellence and truth.

Reason is the determined foe of all precipitation and derangement, whether in the physical, or the moral world, in the order of nature, or in the plans of policy. Delivered to us as the best gift, which Providence has bestowed, to adjust our distinctions between right and wrong, and improved in the sober school of education, to polish and enlarge our sentiments, she maintains with resolute empire the just balance between all extremes, which could sully the splendour of her origin, or impair the beauty of her designs. No efforts of ingenuity can justify the suspension of her dictates, and no combination of circumstances can invalidate the authority of

her laws. Without her all our opinions are an idle speculation, and all our practice, either an uncertain experiment, or a pernicious outrage. To her must every system make it's first and last appeal, and every aggression must expect it's just sentence, whether it be freedom, as it exists in the creed of modern Revolutionists, or oppression, as legalized by the long usage of Tyrants. The great ascendancy of her power over every government and age, has been wonderfully illustrated by Cicero, whose correct observation taught him to represent law itself as indebted to her for it's existence and perfection, and whose description it may be useful to produce, as he has adorned with the most animated eloquence, what he had discerned with the most philosophical precision.

*Est quidem vera lex recta ratio, naturæ congruens, diffusa in omnes, constans, sempiterna, quæ vocet ad officium jubendo, vetando a fraude deterreat ; quæ tamen neque probos frustra jubet, aut vetat, nec improbos jubendo, aut vetando movet. Huic legi nec obrogari fas est, neque derogari ex hac aliquid licet, neque tota abrogari potest. Nec vero aut per senatum, aut per populum solvi hac lege possumus. Neque est quærendus explanator, aut interpres ejus alius : nec erit alia lex Romæ, alia Athenis, alia nunc, alia posthac, sed et omnes gentes, et omni tempore una lex, et sempiterna, et immortalis continebit ; unusque erit communis quasi magister, et imperator omnium Deus ille, legis hujus inventor, disceptator, lator : cui qui non parebit, ipse se fugiet, ac naturam hominis aspernabitur, atque hoc ipso luet maximas pœnas, etiam si cætera supplicia, quæ putantur, effugierit.*

Having

Having introduced this unerring guide, we will proceed, under her direction, to examine Liberty in some of its higher relations to magistracy, and to the constitution of a state, whose several forms have had the most material influence in producing its excellencies or defects. In some situations we shall behold it sporting in the wildest excesses, and trampling upon the regulations to which, under wise provisions, it is destined to contribute both ornament and support. In others we shall see it challenging the general admiration and gratitude of mankind, amidst those bright and cheering scenes of happiness, which accompany the union of energy with order. From this kind of discussion, the modifications which guard the extremes, will naturally flow, and the whole of the topic, both as it relates to the individual and the state, will be unfolded with greater clearness and extent, than can be obtained by any attempts at precise definition, or diffusive explanation.

It is remarked by Montesquieu, that the merits of Liberty have been given to one mode of Government, exclusive of others, according to the taste of him, who has bestowed them; that the lovers of Republics have given it to their mode of polity; and the lovers of Monarchy to theirs. Thus have they decorated with the brilliant name of Liberty that constitution, which has been accidentally familiarized to them by custom, or endeared by advantage. But, according to a very common representation of this question, many would lead us to suppose that the perfections of freedom are exclusively peculiar to a Democracy; where, through the exorbitant ascendancy of the people, their power has received the false appellation of their Liberty. By exposing to view the features of Democracy, we shall shew the evils of that freedom which has neither moderation nor limits; and strike at the root of many dangerous

errors, which have been propagated by those, who, seduced by the mere name of Liberty, would impede it's best enjoyments, and destroy it's most important ends.

Under every establishment of this nature, it is customary that the collective body of the people should be invested with the supreme authority, both in it's executive and legislative capacities. The turbulence and irregularity which will spring from such an institution must be manifest to those, who consider that in every society discernment is the lot of few ; that where the ignorant have an equal proportion of right with the wise, they must prevail by numbers ; and that from hence all sense of the general advantage will be clouded by folly and overborne by frenzy. Among some, perhaps, it will be maintained, that there will be a peaceful and unanimous submission to the plans, devised by superior judgment, and recommended by superior worth. But the slightest reflection will teach us, that such plans must be too deep for the efforts of common penetration ; that ignorance is prone to suspect what it cannot understand, and that power is eager to overthrow what it has not itself raised up. In numerous assemblies, where the presence of all is connected with a sense of duty, and their suffrage with a sense of right, Demagogues and pretended Patriots, by a more ready volubility of tongue, and a more obstinate perseverance in debate, will gain the applause, which is due to greater purity of motive, and greater solidity of wisdom. The plausible measures which cunning has framed for the purposes of self-interest, and which the meretricious arts of eloquence recommend to unanimous admission, can never be resisted, where partiality to a favourite orator will preclude examination, and where ignorance is not adequate to the task of exposing

posing the fallacies, by which they elude detection. From the imperfections of our nature, the specious suggestions of the moment will there obtain a preference over plans for which sober discussion and experience are the surest pledge ; and from the impulse of riotous impatience they will receive their final execution, before reason and integrity can interpose to prevent their fatal effects. In the debate of every question the passions are appealed to, while the judgment is either duped or disregarded ; and the scheme which proposes the temporary ease and pleasures of the day is more alluring than that, which would obtain the security and prosperity of years.

The grand foundations of human happiness can be laid only in the invariable operation of fixed principles. But the institution of which we are now speaking is, in it's most characteristic parts, wavering and inconstant. A dexterous stroke of rhetoric, aided by the unruly clamour which ensures it applause, will level in one moment the wisest laws, which the most auspicious union of ability and virtue ever framed, or public exigency required. The philosopher, it is true, may retain with inflexible firmness what he has decided upon after profound meditation. But the generality of mankind must be too giddy and uninformed for those great and comprehensive arrangements, which are to blend without confusion, and embrace without partiality, the multifarious concerns of a state. Their impatient thirst for novelty, too, renders them liable to be moved by every impulse which tends to innovation, which in it's extreme indulgence is fatal to every species of Government, whether it is legitimate, or usurped ; whether it sheds upon it's subjects the mild and beneficent rays of Freedom, or lowers with the dark suspicions and relentless frowns of Tyranny. To the enumeration of these

these unfavourable circumstances must be added the delay and discord, which will sometimes prevent the execution of the most mighty projects, when a foreign alliance, perhaps, is to be strengthened, or a foreign aggression to be repelled. The success of the greatest events will frequently turn upon quick and resolute decisions; but these can rarely be hoped for, where such a multiplicity of views, tempers, and interests, are to be at once consulted and obeyed.

Could the wants of mankind be supplied, and their rights and duties be accomplished by no other means than these we have just described, cheerless and gloomy would be all prospects of human happiness. As individuals, we must bid adieu to peace and virtue —as a kingdom, we must renounce all pretensions to union, fidelity, and glory.

But this catalogue of evils, discouraging as it is to the friends of humanity, and painful to the enlightened advocates for freedom, will be far surpassed in deformity and iniquity by the recapitulation of horrors, which have sprung from the lawless ambition of men, whom this anomaly of Government could alone have elevated, and supported. In every division and struggle of party, there must be leaders, whose instruments in the pursuit of uncontroled domination must be the multitude, whom they have propitiated by their flattery, or inflamed by their declamations. Whatever may be the issue of contention to the chiefs, who, while they pretend that they are encountering obstacles and enmity for the people, are aiming only at self-exaltation, the baleful misfortunes of sedition and anarchy press with irresistible fury against all.

In this deranged and disgraceful state of a community, the feelings of human nature itself undergo a sudden and melancholy perversion. The received authenticity of names imposed for the signification of things is changed into arbitrary signs, in circumstances where iniquity and misrepresentation prevail over innocence and truth. Impudent audacity in aggression is accounted the noble fortitude of undistinguishing integrity. Provident deliberation and modesty are deemed only the insidious vails, which disguise the heart of the coward, and prudence the scheme, which involves the compromise of the traitor. Every tendency towards moderation is considered as the prelude to apostasy; and undisguised ferocity is the only mean by which any one can rise into power, or seize confidence. Every petty society is formed, not for the honourable purposes of mutual protection and advantage, but for the success of rapacity and oppression. Confidence is shared only by the participation of guilt; and reconciliation, if it grows at all, is not the hearty testimony of reciprocal forgiveness, but the compulsory provision against reciprocal violence.

The personal security of all is put to the most perilous hazard and especially of those, who, by the splendour of learned attainments, and the rich endowments of fortune, must be first to provoke the tumultuous effervescence of popular resentment, and the rude temerity of popular pillage.

From the characters of those, who, in this hideous complication of absurdity and vice, bear the sway, there is every thing to aggravate general calamity, because they cannot bear with meekness, or use with wisdom, the superiority to which they have been so suddenly

denly raised ; because they destroy prejudice to substitute brutality ; and because, with unwearied vigilance and rancour, they consign to the exterminating scourge of suspicion and cruelty all that ability and virtue has rendered illustrious and venerable amongst mankind. Farewel the patient toils of science, and the labour of the midnight oil. Farewel the elegant decorums, and the soft charities of civilized life, *without* which Government would be an useless contrivance, and man a being at once wretched and contemptible. All are destined to perish in the common wreck of laws, morals, and arts, or to be revived and moulded according to the new philosophy and discoveries of those, who have substituted a Despotism of greater rigour than that which they overthrew.—

But this is got by casting pearl to hogs ;  
 That bawle for freedom in their senseless mood,  
 And still revolt when truth would set them free.  
 Licence they mean when they cry Liberty.  
 For who loves that must first be wise and good ;  
 But from that mark how far they rove we see  
 For all this waste of wealth and loss of blood.

MILTON.

Thus it has appeared that Liberty, when hurried into licentiousness by institutions, which have wanted skill or honesty in their original frame, is an unwieldy monster tossed on the sea of passion without guidance, and without restraint ; and thus can no picture of barbarism be devised that will surpass the abject degradation and misery, which will be the lot of those, who are it's advocates from frenzy, or it's dupes from credulity.

By casting back our attention to the Governments of antiquity, which encouraged the too great ascendancy of popular power ; and  
 by

by tracing the causes, which gave such frequent interruptions to their stability, and which at last plunged them into adversity and decay, we shall find the amplest confirmation of this unwelcome truth. The censorious but just sentence of condemnation, which Cicero passed against the Grecian republics, and against the once celebrated and flourishing Athens, must be placed among the truest and most apposite illustrations of the subject which history can afford us. *Græcorum autem totæ respublīcæ (says he) sedentis concionis temeritate administrantur.* Itaque ut hanc Græciam, quæ jamdiu suis consiliis perculsa et afflicta est, omittam: illa vetus quæ quondam opibus, imperio, gloria floruit, hoc uno malo concidit libertate immoderata ac licentia concionum. Cum in theatro imperiti homines, rerum omnium rudes ignarique, confederant: tum bella inutilia suscipiebant, tum seditiosos homines reipublīcæ præficiebant, tum optime meritos cives e civitate ejiciebant.

The pride<sup>1</sup> of the historian has for the most part been ostentatiously displayed in bringing to our view the most flattering and imposing aspect of events, which the narrative of this renowned people can supply; and, from that natural love of excellence which we all feel, whenever it is placed before us, we indulge ourselves in the most pleasing illusions of undistinguishing admiration and implicit belief. We are impressed, and justly impressed, by the heroism, which was displayed on the plains of Marathon, and in the bay of Salamis. We are dazzled by the pomp of Athenian spectacles, by the taste and magnificence of their public monuments, and by that crowd of poets, statesmen, and philosophers, whose genius and virtues have cast such a blaze of glories upon the Athenian name. But if we would inspect the interior administration of the republic, the convulsive struggles of party, the mischievous intrigues of factious association,

and the immoderate and unbridled freedom of all ranks, will present images of confusion humiliating enough to stop the career of our fondest raptures, and to cool the effusions of our warmest praise. To the incurable defects of Athenian polity, and the inordinate liberty of the people, it could alone be attributed, that the most illustrious citizens were persecuted and banished, were condemned precipitately, and disgraced unjustly. These were the baleful causes which brought on the ignominious fate of those disinterested and intrepid heroes, who distinguished themselves in the most awful seasons of public calamity that ever called forth the discernment and enterprize of man, and who were, at successive periods, the shining instruments in the hand of Providence for the deliverance of their country. From these arose that public ingratitude, which afflicted the closing life of Miltiades by the pains of imprisonment, which sped the flight of Themistocles to the court of Persia, and administered the deadly draught to the lips of the mild, but undaunted Phocion. But such is ever the variable and inflammable temper of popular opinion, and such will be the flagitious injustice of nations to individuals, when the faulty constitution of a Government gives it the opportunity of putting forth it's capricious and mighty strength.

The work of Aristotle called his *Politics*, in those places particularly where he has analysed the component parts of Grecian polity, and appreciated with unequalled accuracy it's merits and it's faults, gives us the most extensive and satisfactory illustration of this subject which ancient writings can supply. His penetrating eye could pierce into every obliquity and corruption of Government, both in it's constituent qualities and practical administration. He saw not the liberties of mankind through the polluted medium

of

of debasing equality, nor would he recognize them in the ruinous experiment of unlimited freedom. He would neither adopt nor defend this contemptible offspring of a spurious philosophy, which would involve the encouragement and justification of vulgar rapacity and tyranny, which would render the well-gotten and well-regulated fruits of labour and prudence tributary to the lazy and dissipated, and which would cast the great and multiplied concerns of a nation upon the perilous issue, of being lost by incapacity, or deranged by tumult.

If, from the examination of the peculiarities which distinguished the republics of Greece, we transfer our attention to some prominent features which marked the history of Rome, and which might be said to take their rise or colour from the liberties of her people, we shall sometimes be obliged to exert the impartial voice of censure against the constitution, which did not sufficiently guard against their excess. If, animated by the love of freedom, we kindle into enthusiasm at the intrepidity of a Brutus, who rescued his country from the dominion of the Tarquins—if, impressed by the dignity of virtue, we extol the vindication of her injured rights in that signal act of valour, by which the indignation of a father (Virginius) triumphed over the brutality and tyranny of a judge (Appius)—yet we must shrink with disapprobation from the occasional luxuriancy of the liberties, which they were instrumental in creating. We are shocked at the licentiousness of the Campus Martius during the boisterous proceedings of public elections; at that venal corruption, which by the distribution of corn and money bribed away the rights which the best blood and wisdom had once attained; and at those unquiet agitations of popular feeling, which the views of

factious tribunes, sanctioned by the specious name of Liberty, had inflamed into open and riotous rebellion. We remember, and remembering we cannot but condemn the infatuation, which actuated the Gracchi in the proposal of their agrarian law, the plausible reasoning which perverted freedom lent to it's support, and the storms of tumult, which convulsed the state, when the question was debated by it's deluded advocates. The zeal, the eloquence, and the contention of man were scarcely ever engaged in an undertaking at once so dangerous and so unexampled. Their exertions, and their fate, though they marked the heroism of their characters, did not confirm the purity of their intentions ; and they have left the greater part of posterity to believe, that in the invention of such a plan they were influenced more by the restless Dæmon of Sedition, than by the calm and holy Genius of Virtue.

Such are the unfortunate extravagances and injuries, which, in the contemplation of various nations and events, the occasional abuse of a blessing will sometimes present to our indignant view. That Liberty, however, possesses the noblest capacities, and leads us to the noblest exertions, when duly regulated by the principles of a wise constitution, and temperately enjoyed by those who are it's subjects, can never be denied, while the page of history shall continue open to our perusal, and while our appeal to personal and daily experience shall be impartial and uncorrupted. The moral and political arguments which defend it are so strong as to baffle the subtlest cavil, and so numerous as to be hardly taken in at a view by the most comprehensive understanding. The magnificent æras of glory and happiness which it has produced, are sufficiently striking to gratify the most ardent sympathies for general good, which our benevolence.

benevolence ever indulged, or our invention conceived. To enumerate them would tire the most patient industry, and to decorate them with adequate applause, would surpass the resources of the most fruitful ingenuity, and the flights of the most aspiring eloquence.

To bestow, however, some tribute of panegyrick upon this perfection of civil society, and to notice a few of it's best characteristics, is a pleasure which cannot be wholly renounced by those, whose country and government have given them opportunities of beholding it's fairest excellencies and most distinguished fruits.

Every member of a free state, knowing, that whatever property he has acquired can be enjoyed without molestation, and disposed of without controul ; and feeling, that, of all his undertakings, he is solely the governing and responsible agent, possesses a dignity, and loftiness of soul, a spur to emulation and industry, from which the miserable drudges of arbitrary power are totally excluded ; for the fear of tyrannical exaction there chills every effort, and there the numerous examples of poverty, ignorance, and servility shed their baneful influence to obstruct every prospect of improvement, both in the moral and intellectual faculties of man. In conformity to this remark, those who have been born to the auspicious inheritance of freedom, and whose education has been unfettered by those wretched dogmas, which bigotry and despotism oppose to our advancement in political truths, have ever been the most memorable for the prosperous opulence which is the comfort and ornament of private life, and for those brilliant operations of legislative sagacity and patriotic zeal, which are the most illustrious distinctions of those, who move in the higher circles of society. Among them the rapid progress  
of

of the arts and sciences, of all that is formed to civilize and adorn the condition of man, point out with the most emphatical precision the animating principle which gave them their beginning and perfection, and which will ensure their continuance for every great and splendid purpose of national utility and renown. Yes, Liberty is the richest soil upon which Genius can cast it's seeds ; and then only can it reap it's merited honours and rewards, when it's efforts can be directed at will, unimpaired by the dictates of an intolerant superstition, and unawed by the presumption of an imperious controul. In whatever points we can calculate the efficacy of freedom upon those objects which it can influence, in no one will it be found to lend such a vigorous assistance towards the public welfare, as when it has been the guide of those schemes, which are the offspring of our invention and attainments. By judging of it in relation to the concerns of commercial speculation, we shall meet with proofs of a nature so decisive, that our conviction will be the infallible consequence of our examination. And here it is unnecessary to observe before those, who consider the general arrangement of society, that almost all the advantages which exalted stations and ample possessions can confer, are derived from the result of commercial undertakings ; " that to the " plough and the anvil, the loom and the quarry, pride is indebted " for it's magnificence, and elegance for it's dainties." But whence could have arisen those multiplied and pleasing sources of our enjoyment, those finished models of art, which form the splendid decorations of pleasure, and those stupendous contrivances of mechanism, which in the works of manufactories ease the toil of the laborious, and increase the acquisitions of the wealthy, unless Liberty imparted the encouragement and sweetened the reward. In every connection, indeed, which it can possibly maintain with the plans  
of

of projecting wisdom, or the ardour of experimental pursuit, it will be found the most effectual incitement to suggest their origin, and establish their success.

Boundless therefore is the variety, and delightful the issue of advantages, with which it will always crown the exercise of human powers in all ages and kingdoms, where it's true properties are distinctly recognized and purely preserved. But upon truths so cordially admitted, and so sensibly felt, it is, perhaps, useless to employ any farther the language of explanation or praise. To those who wish for what is at once the best illustration and panegyric of the benefits which Liberty can confer, we may recommend with confidence the example of them, as they are widely diffused and substantially enjoyed under the British constitution.

Here no substitution of a false idol for what justly deserves our devotion, leads to those fatal extremes, from which political expediency and moral taste revolt with equal disgust. Here with sincerity and reverence we embrace the genuine object of worship, unspotted, as it is, by the delusive theories and flagitious enormities, which democratical sophistry and democratical acrimony may contrive to seduce the credulous into approbation, or exasperate the turbulent into sedition. Here neither in the produce of our inventive faculties, or our laborious exertions, are we duped and aggrieved by that false chicanery and despotic sway of Government, which shall arbitrarily prescribe the direction and application of the one, or exact, for any unwarrantable purposes, the fruits of the other. The freedom of our opinions is not stifled by the vigilance of sanguinary inquisitors. The freedom of our persons is neither cramped nor outraged by the violence of military tyranny. Every citizen,

citizen, whether by professional celebrity he meditates the intellectual and religious improvement of his species, as a lawyer, an artist, or a divine ; or whether, in the walk of private life, he yields to the more alluring temptations of ease and pleasure, pursues his innocent course without restriction, not bound to any irksome task, not responsible to any unjust authority, not hampered by any tedious forms ; but left to pursue the business of the moment in the way, that his humour or his interest suggests.

Such are the effects of real Liberty, which may be safely defined to consist “ in the operation of just Government, in the exemption “ from injury and unlawful restraint (for it actually implies every just “ restraint),” in protecting all in the undisturbed enjoyment of their rights, and in securing the fairly acquired conditions of men, how- ever unequal. The British Constitution, too proud to bow before the fleeting dogmas of the hour, too firm to admit the arrogant claims of hasty innovation, and too mighty to be shaken by the outcries of the factious and the menaces of the unruly, acknow- ledges the justice, and even heightens the efficacy of those distinc- tions, “ which industry and enterprize give in the different attainments of men,” and which lead in their progress to all the varieties of professional occupation and pecuniary acquisition. In such ine- qualities we discern the first link of subordination, so necessary to the peace and preservation of society, and from which alone could re- sult the incentive to labour, and the practice of ingenious and lu- crative arts. Deriding, therefore, as a visionary chimera, and re- sisting as an insidious transgression, that equality of station and for- tune, which the indolent and worthless have too interested a view in setting up, we justly denominate all Governments to be free in proportion

proportion as they prevent the infringement upon those emoluments, which our merits have obtained—in proportion as they are sufficiently powerful to exercise authority, and sufficiently limited to preclude the abuse of it.

It is for these characteristic properties and excellencies, that we hold in such reverence and affection the British Constitution ; the judicious and consistent mixture of whose parts is incontestibly proved by the vigour and impartiality of it's functions. Under this matchless system of polity, superior far to what history has recorded, or the happiest invention of the speculatist ever framed, of which the penetration of the wisest statesmen has been exercised to complete the symmetry, and the activity of the purest patriots to renovate the decays, general Liberty implies general justice—justice, that great public virtue, by which the right, and the only practicable equality is diffused through the whole community, by which riches are restrained from domination, and lowliness screened from oppression.

When we survey this noble fabric of power, erected as the firmest security for political integrity in those who are to command, and for safety to those who are to obey, and when we reflect upon the plotting machinations, which would aim against it the stroke of destruction, we are tempted to apply the language, which, in the spirit of prophetic foresight, and the anxiety of paternal care, was once addressed by Cicero to his deluded countrymen. *Etenim illis honores, potestates, divitiæ, ex tumultu, atque dissentionibus civium comparari solent: Vos, quorum gratia in suffragiis consistit, LIBERTAS IN LEGIBUS, honos in judiciis, et æquitate magistratus, et res familiares in pace, omni ratione otium tenere debetis.*

If, from the contemplation of the advantages which distinguish this nation, we pause a little to examine the character of the circumstances, which produced them at first, and renewed or confirmed them occasionally, we shall find that character to be such as will furnish what, as the advocates for freedom, we may rank among the proudest triumphs of it's cause. These splendid atchievements involve claims to general admiration, independent of those, which the national prejudices and national gratitude of Englishmen will urge for transactions, which their own forefathers successfully accomplished, and the fruits of which their own country has permanently enjoyed. They may be appealed to with confidence as guides and precedents for the future conduct of every state, where the discussion of Liberty is temperately undertaken, and where the merits of legitimate Government are correctly appreciated by what promotes order in the arrangement, and justice in the execution of it.

In the wide range of consequences to which they have led, subservient equally to the purposes of individual welfare and public glory, we collect a series of facts, which will give light to the understanding and consolation to the feelings of every one, who inquires into the true evidences and limits of human Liberty, and who distinguishes with accuracy between the firmness which would at all times plead it's existence as a means of right and happiness, and the extravagance which would embitter or endanger it's enjoyment by injury and licentiousness.

But above all the effects of discernment and patriotism in those, who have bequeathed to us such precious inheritances, we are bound to place in the first rank of praise that perfect system of law, which they have framed for their preservation, and which, for it's free

free and liberal spirit, it's extensive compass, and exquisite structure, may defy comparison with the best institutions of ancient or modern times. In whatever capacity we may view it's operations, it will verify the panegyric of a most celebrated foreigner, whose cast of thought was tinged by freedom in it's brightest hues, and who confessed in the bosom of his native country, that the Liberty of England was established by it's Law.

While this expression of the sovereign will shall continue pure in it's source, and irresistible in it's energies ; while it shall excite reverence in the virtuous, and command submission from the guilty ; no forebodings of anxious fear, no sentiments of painful distrust can shake our confidence in the permanency of what we justly deem the Keystone of civil and political prosperity. To the vigilant foresight, therefore, and gracious protection of law be consigned, without reserve, the guardianship of Liberty, with all it's various relations, and all it's dearest interests ; and we rejoice that so sacred a cause is committed to a guide, of whom we can say in the eloquent eulogy of Hooker, “ Her seat is the bosom of God, her “ voice the harmony of the world. All things in heaven and “ earth do her homage ; the very least as feeling her care, and the “ greatest as not exempted from her power.”

JOHN BARTLAM.

MERTON COLLEGE, OXFORD,  
July 2d, 1794.

## N O T E S.

---

PAGE 5. l. 1. *multiplied*] Dr. Price enumerates four kinds of Liberty, to each of which he affixes distinct explanations.—See his Observations on the Nature of Civil Liberty and the Principles of Government, edit. 5, p. 2.

P. 5. l. 12. *in the not being restrained*] This definition is used by Mr. Paley, in his Principles of moral and political Philosophy.—See his chapter on civil Liberty, vol. ii. edit. 8vo. p. 164.

Blackstone has given the same explanation of the subject in his Commentaries. His words are these: That constitution, or frame of Government, that system of Laws is alone calculated to maintain civil Liberty, which leaves the subject entire master of his conduct, except in those points wherein the public good requires some direction, or restraint.—See vol. i. p. 126, edit. Oxford, 1775.

P. 6. l. 27. *authority*] Cicero represents in the following energetic terms the great necessity there is for authority to predominate in all human affairs.

Nihil porro tam aptum est ad jus conditionemque naturæ (quod cum dico legem a me dici, nihilque aliud intelligi volo) quam imperium, sine quo nec domus ulla, nec civitas, nec gens, nec hominum universum genus stare, nec rerum natura omnis, nec ipse mundus potest. Nam et hic deo paret, et huic obediunt maria terræque, et hominum vita jussis supremæ legis obtemperat. See book the 3d, de Legibus, sect. 2.

P. 8. l. 2. *nature*] Mr. Hobbes was among the singular assertors of this theory. His opinion is noticed and confuted by Dawson, in his book on the Origin of Laws, book the 2d, chap. 2, p. 34.

P. 8. l. 24. *moderation*] Libertatem, quam in me requiris, quam ego neque dimisi unquam, neque dimittam, non in pertinacia, sed in quadam moderatione positam putabo. See Cicero, Orat. pro Cn. Plancio, sect. 39.

P. 10. l. 13. *Est quidem vera lex, &c.*] This splendid passage is preserved by Lactantius from the lost books of Cicero de Republica.—Cicero asserts the great power of reason over all affairs of Law and Government in various parts of his works.—

Lex est ratio summa, insita in natura, quæ jubet ea, quæ facienda sunt, prohibetque contraria. Eadem ratio cum est in hominis mente confirmata et confecta, lex est.—See book the 1st, de Legibus, sect. 6.

Ergo et lex, quæ est recta ratio in jubendo et vetando.—Ibidem, sect. 12.

P. 11. l. 3. *the constitution of a state*] This division of the subject is sanctioned by the authorities of Montesquieu and Priestley, who treat of Liberty, both as it relates to the individual and the state. The latter writer discusses that part of the subject, which regards the individual under the term of civil, and that which regards the state, under the term of political, Liberty.

P. 11. l. 16. *Montesquieu*] The following passage from the Prolusio Academica of the celebrated M. Heyne, entitled “ *Libertas Populorum* “ *raro cum expectato ab iis fructu recuperata*,” proves that he entertained nearly the same opinion as Montesquieu.

Libertatis vox ac notio uti per omnia tempora ac populos pro diversis hominum studiis ac cupiditatibus rerumque diversissimis conditionibus infinita cum varietate constitui solita est, ita eam maxime pro formulæ ac legis, in quam populus convenit, natura et ratione diversam vim habere necesse est. See Prolus. Academ. p. 145.

P. 13. l. 9. *the pleasures of the day*] Witness the famous law at Athens, by which all the public revenues were diverted to the support of shews and spectacles, and of which it was death to move the repeal. See Demosthenes, Olynth. 1st and 2d. See also Montesquieu on the Principle of Democracy, Spirit of Laws, p. 30, vol. 1st of Nugent’s translation, and Mr. Hume’s Essay on some remarkable Customs, edition 1788 of his Essays, vol. i. 331.

P. 15. l. 19. *personal security*] Cicero, in the following striking terms of abhorrence, deprecates the interposition of force in the concerns of Government :

Deinceps sunt cum populo actiones : in quibus primum et maximum VIS ABESTO. Nihil est enim exitiosius civitatibus, nihil tam contrarium juri

juri et legibus, nihil minus civile et humanum, quam, composita et constituta republica, quidquam agi per vim. Parere jubet intercessori quo nihil præstantius; impediri enim bonam rem melius, quam concedi malæ. —See book the 3d, de Leg. sect. 18.

P. 15. l. 23. *popular pillage*] After speaking of the exorbitant power, which was exercised by the tribunes of the people, Cicero thus contrasts the more savage and dangerous use which is made of power by the people :

Nimia potestas est tribunorum plebis: quis negat? Sed vis populi multo sævier multoque vehementior, quæ ducem quod habet interdum lenior est, quam si nullum haberet. Dux enim suo periculo progredi cogitat: populi impetus periculi rationem sui non habet. See book the 3d, de Leg. sect. 10.

P. 17. l. 15. *ejiciebant*] See Cicero's Oration pro Flacco, sect. 7.

P. 19. l. 16. *excess*] This assertion is warranted by the great authority of Cicero himself, who, in his first letter to his brother Quintus, writes in the following terms when he mentions Rome—Ubi tanta arrogantia est, tam immoderata libertas, tam infinita hominum licentia, &c.—See sect. 7.

P. 20. l. 1. *the name of Liberty*] Romani tandem gens illa libertatis amore nobilissima, primo quantopere, sibi hoc libertatis vocabulo illudi passi sunt! tum hoc ipsum nominis ludibrium quot calamitatibus, cædibus, seditionibus ac bellis propugnarunt.—See Heyne's Prolusiones Academ. p. 157.

P. 20. l. 4. *the agrarian law*] Cicero thus exposes the real tendency of the agrarian law :

Sic confirmo, Quirites, hac lege agraria, pulchra atque populari, dari vobis nihil, condonari certis hominibus omnia: ostentari populo Romano agros, eripi etiam libertatem: privatorum pecunias augeri, publicas exhauriri.—See Orat. de Leg. Agrar. 2d. contra Rullum, sect. 10.

P. 25. l. last. *debetis*] See Cicero's 2d Oration de Leg. Agrar. contra Rullum, sect. 38.

P. 26. l. 22. *plead it's existence*] In representing the right which all have to the possession of Liberty, Cicero states the wise and just provisions under which it is bestowed.

Plebi re non verbo danda libertas: quæ tamen sic data est ut multis præclarissimis addiceretur, ut auctoritati principum cederet.—See book the 3d, de Legibus, sect. 10.

P. 27. l. 4. *foreigner*] Montesquieu. See the close of his chapter on the Constitution of England, *Spirit of Laws*, vol. 1st of Nugent's translation, p. 237.

T H E E N D.

1967.1.17







